

REMARKS

Status of the Claims.

Claims 1-24 are pending in the application and are subject to a restriction requirement under 35 U.S.C. 121 and 372.

EXAMINER'S ELECTIONS/RESTRICTIONS

Restriction to one of the following inventions is required under 35 U.S.C. 121 and 372:

Group I, claims 1-9, drawn to method to reduce time of immunohematology assay using antigen positive RBCs and a ten minute centrifugation in anti-IgG matrix.

Group II, claims 10-24, drawn to method to reduce time of immunohematology assay using a microtube containing an upper chamber and a lower chamber containing therein an anti-IgG matrix.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I is a method for reducing time of immunohematology assay whereupon a sample is combined with antigen positive RBCs and incubated at 37C with continuous agitation prior to centrifuging the sample mixture in anti-IgG matrix for 10 minutes; whereas Group II is a method for reducing time of immunohematology assay whereupon a sample admixed with antigen positive RBCs or an RBC sample is deposited to the upper chamber of a microtube having contained therein anti-IgG matrix, then incubated at 37C under continuous agitation for 2 minutes prior to centrifuging the microtube.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

APPLICANT'S ELECTION

In accordance with the Restriction Requirement set forth by the Examiner, Applicants herein elect claims of Group 1, which include claims 1-9 herein.

Please charge any fees due in connection with the filing of this response to Deposit Account No.10-0750/MTS5003USPCT/CKG in the name of Johnson & Johnson.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/MTS5003USPCT/CKG.

Respectfully submitted,

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